

REMARKS

In the office action dated March 4, 2002, the Examiner rejected the then pending claims as anticipated by Sand 5,304,169 and Sand 4,976,709. To expedite prosecution, applicants now address the rejection.

New claim 57 relates to a method of applying a generally controlled amount of RF thermal energy *in vivo* to vascularized, densely collagenous tissue of at least a portion of a ligament, tendon or joint capsular tissue which interconnects portions of a body to thermally modify the tissue to achieve a controlled modification of a geometry of the tissue.

Both Sand references are directed to the application of laser energy, not RF energy. Sand '709 refers to RF energy at col. 3, line 15, but there is no description or suggestion of applying RF energy to vascularized, densely collagenous tissue of at least a portion of a ligament, tendon or joint capsular tissue which interconnects portions of a body to thermally modify the tissue to achieve a controlled modification of a geometry of the tissue.

Furthermore, neither Sand reference describes a device for treating tissue of at least a portion of a ligament, tendon or joint capsular tissue which interconnects portions of a body, and therefore are not enabling references.

Therefore, applicants submit that the claims are patentable over the two Sand references.

Applicant asks that all claims be examined. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

August 2, 2002

Phyllis K. Kristal

Phyllis K. Kristal
Reg. No. 38,524

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
40109544.doc

Version with markings to show changes made

In the specification:

Paragraph beginning at page 13, line 17, has been amended as follows:

--Handpiece 10 includes a trocar 12 with an elongated body and a longitudinal axis 14. A trocar distal end 16 is laterally deflectable about longitudinal axis 14. Trocar 12 also includes a proximal end [20] 18. In one embodiment, trocar 12 has a 9F outer diameter.--

Paragraph beginning at page 15, line 23, has been amended as follows:

--As shown in Figure 5, orthopedic apparatus 36 includes handpiece [12] 12a, an energy source 38 and a cable 40 coupled to handpiece [12] 12a and energy source 38.--

In the claims:

Claims 50-56 have been cancelled.

New claims 57-66 have been added.



FIGURE 2A

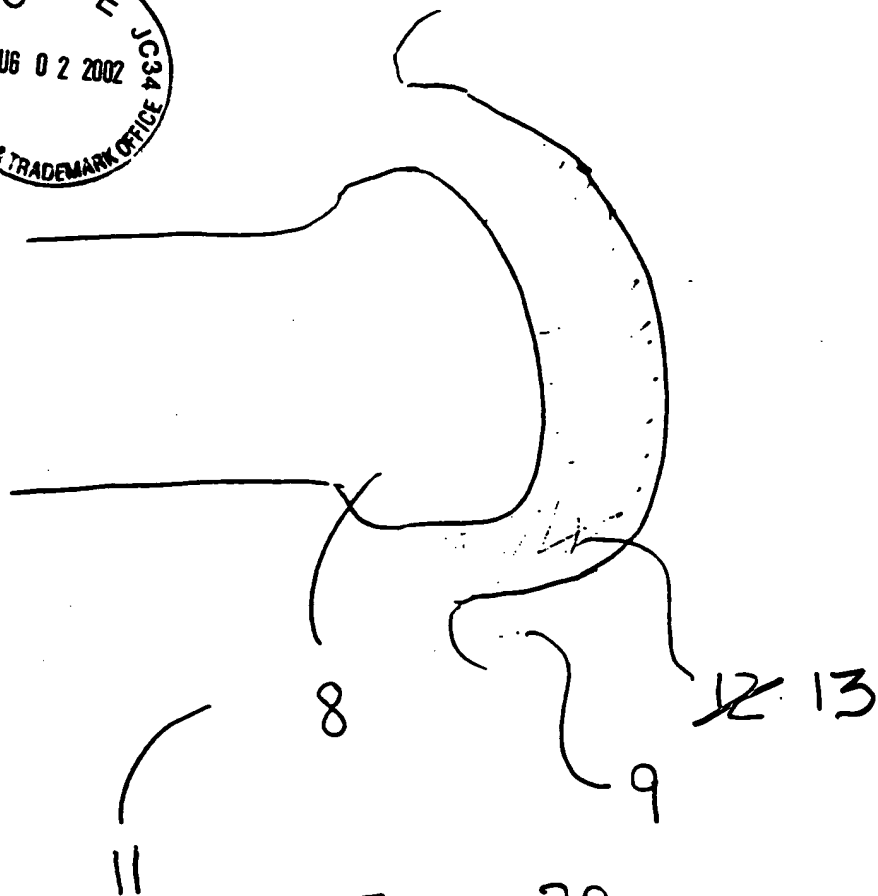
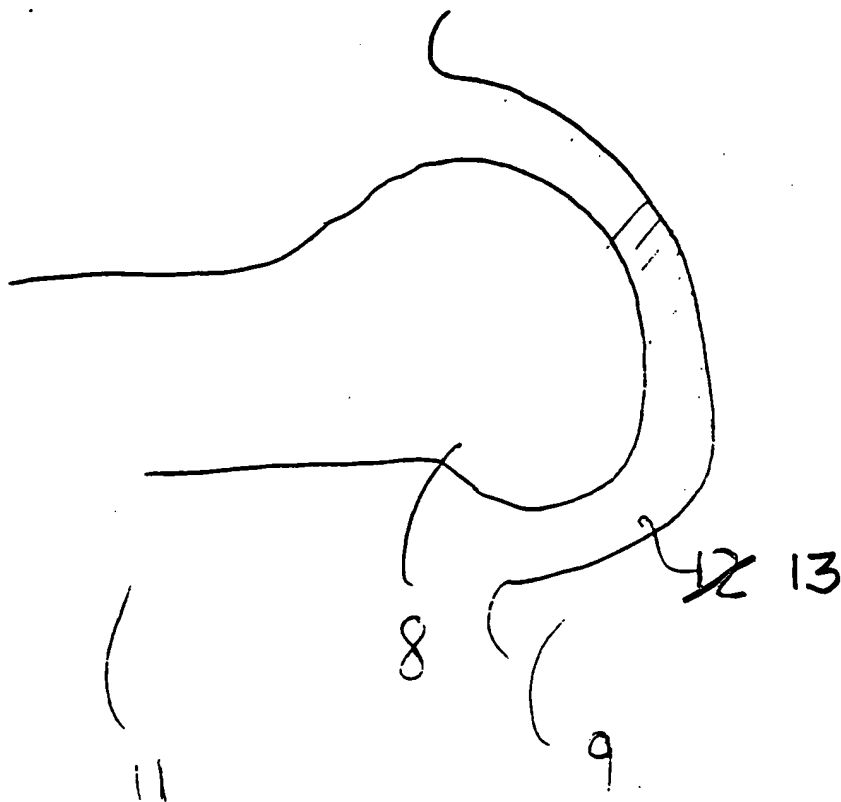


FIGURE 2B



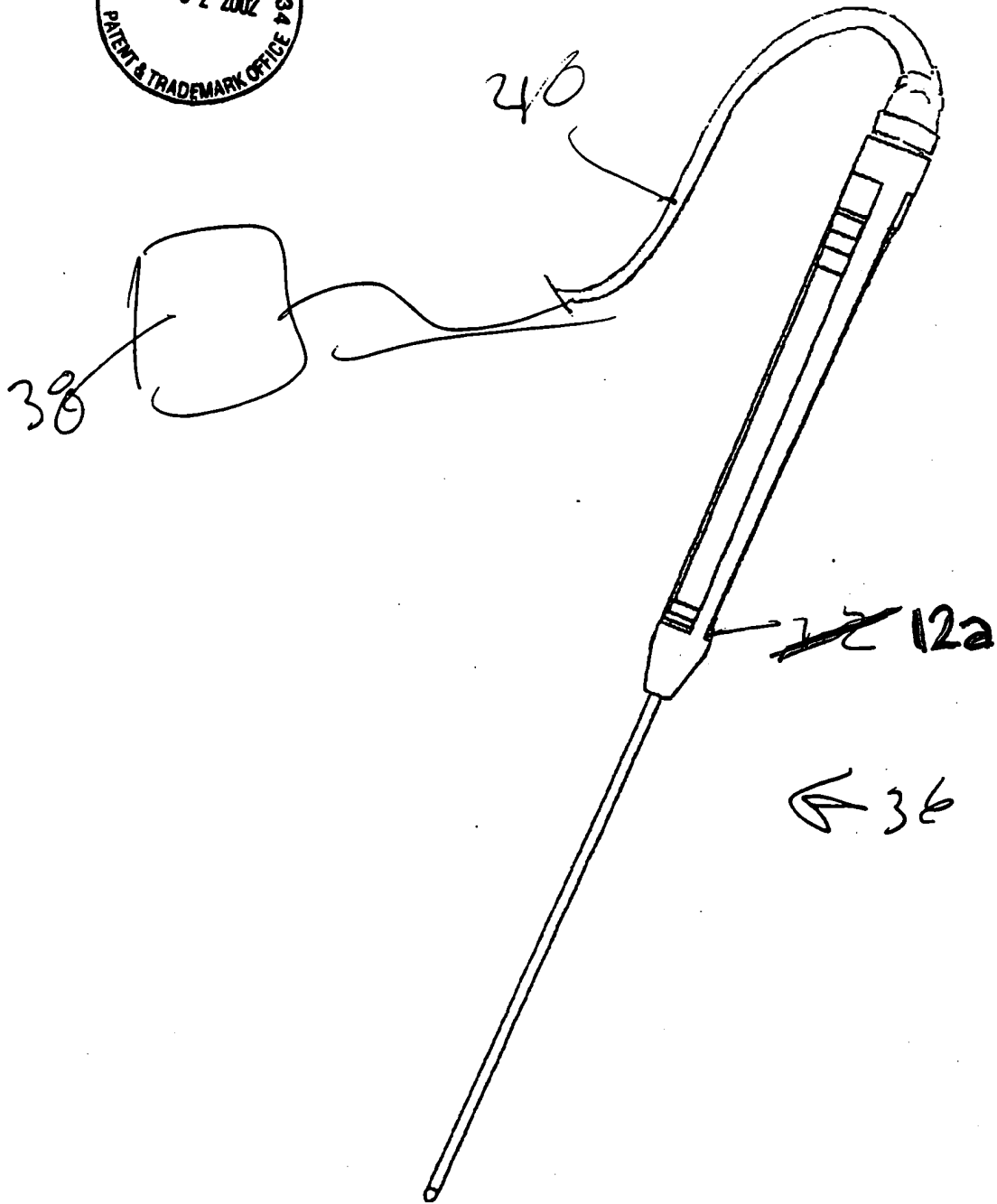


Fig 5